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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **BAIL APPLN. 4865/2025**

FAISAL SALMAN

.....Petitioner

Through: Mr. Pushkar Priyadarshi and Mr.
Aviral Chandra, Advocates (VC)

versus

STATE (N.C.T. OF DELHI)

.....Respondent

Through: Mr. Hitesh Vali, APP for the State
alongwith SI Arti Singh, P.S.-
Begumpur

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **16.02.2026**

1. The petitioner seeks regular bail in connection with FIR No. 120/2025, dated 15.02.2025, registered at Police Station Begum Pur for the offence punishable under Sections 137(2) of the Bharatiya Nyaya Sanhita, 2023 ["BNS"].
2. Pursuant to notice being issued on 16.12.2025, Mr. Hitesh Vali, learned Additional Public Prosecutor for the State, has handed over a status report, which is taken on record.
3. The facts as recorded in the status report are as follows:
 - a) The FIR was registered on the complaint of the prosecutrix's father on 15.02.2025 that the prosecutrix who was then aged 17 years, had left her home on 14.02.2025 at about 8:30 PM without informing anyone.
 - b) During the course of investigation, the prosecutrix was traced to a location at Section 34, Rohini, Delhi, by way of secret information.
 - c) A Medico-Legal Case ["MLC"] was conducted on 19.02.2025 at about 11 PM at Dr. Baba Saheb Ambedkar Hospital, wherein the



prosecutrix re-counted the history of having left home on 14.02.2025, alongwith the petitioner and gone to Ajmer and Khatushyam in Rajasthan. She provided her account of having sexual intercourse at 11 AM on 18.02.2025, with her consent at a location in Section 34, Rohini, Delhi, and stated that there was no history of any forceful intercourse or physical assault. She declined internal examination.

- d) Her statement under Section 180 of the Bharatiya Nagarik Suraksha Sanhita, 2023 [“BNSS”], was recorded on 19.02.2025, in which she stated that she had established physical relationship with the petitioner on 18.02.2025, with her consent.
 - e) Her statement under Section 183 of BNSS was recorded before the Magistrate, in which she re-counted the position with regard to having left her house with the petitioner and stated that nothing wrong had happened with her. She further stated that she had left her house with the petitioner of her own volition in view of the pressure from her family to get married.
 - f) The petitioner was arrested on 20.02.2025 and has been in custody since then, i.e. for a period of almost one year.
 - g) After completion of investigation, a chargesheet has been filed and charges have been framed against the petitioner under Sections 137(2)/64(1) of BNS, and Section 4 of the Protection of Children from Sexual Offences Act, 2012 [“the POCSO Act”].
4. The proceedings before the Sessions Court are at the stage of prosecution evidence and the testimony of the prosecutrix is scheduled to be recorded on 27.04.2026.



5. Mr. Pushkar Priyadarsh, learned counsel for the petitioner, draws my attention to the statement of the prosecutrix under Section 183 of BNSS, in which she has specifically stated that she had left her home with the petitioner of her own will, in view of the family pressure with regard to her marriage, and that no wrong act had been committed upon her. He further submits that there has been no progress in the trial since the framing of charges, despite the period specified in Section 35(2) of POCSO Act for completion of the trial. Mr. Priyadarsh further submits that despite the history allegedly recorded in the MLC, no internal examination was conducted at that stage. He also submits that the petitioner has clean antecedents.

6. Mr. Vali on the other hand, submits that the case against the petitioner is borne out by the statements of the prosecutrix recorded in the MLC and in the statement under Section 180 of BNSS. He submits that contradictions in the statement are a matter for trial, and that the prosecutrix has not even given her testimony before the Court yet. It is his argument that the possibility of influencing the witnesses, would in these circumstances, militate against the grant of bail at this stage.

7. The prosecutrix is also present through video conference, and is assisted by Ms. Jyoti, representative of an NGO-Rescue Foundation.

8. Having heard learned counsel for the parties, I am of the view that it is not appropriate to grant bail to the petitioner at this stage in an offence under Section 4 of the POCSO Act. Although the prosecutrix's statement under Section 183 of BNSS does not contain any allegation of sexual intercourse while she was a minor, the MLC and the statement under Section 180 of BNSS specifically referred to the petitioner and the



prosecutrix having had sexual relationship on a specific date, time and location. The question of her consent, at a time when she was still a minor, is not dispositive at this stage. The argument of Mr. Priyadarsh based upon the prosecutrix's refusal for internal examination is also a matter of trial. As far as the timeline in Section 35(2) of the POCSO Act is concerned, it may be noted that it requires completion of the trial "*as far as possible*" within a period of one year from the date of taking cognizance of the offence. The delay in the trial for the present, is not such as to implicate the petitioner's right against prolonged undertrial incarceration under Article 21 of the Constitution. More significantly, the prosecutrix has not yet given evidence. Having regard to the prior relationship which she has referred to in her statements, including the statement under Section 183 of BNSS, the potential for influencing the witnesses is substantial.

9. For the aforesaid reasons, I am of the view that it is not appropriate to enlarge the petitioner on bail at this stage.

10. Accordingly, the present bail application stands dismissed.

11. Needless to say, that the observations made in this order are for the purposes of adjudication of the present bail application, and do not constitute an opinion on the merits of the matter.

PRATEEK JALAN, J

FEBRUARY 16, 2026/Dy/AD/